

REMARKS

A. Introduction

Claims 1-18 were presented for examination.

Claims 5 and 11-18 rejected under 35 U.S.C. § 112.

Claims 1-6 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable under Annin et al. in view of Kozak with the contention by the Examiner that it would have been obvious to modify Annin et al. as taught by Kozak.

The additional reference of Grimaldo was used to reject Dependent Claim 7 as well as prior references of Annin et al. and Kozak.

In rejecting Dependent Claims 8 and 9, the Examiner combined four references of Annin et al., Kozak, Grimaldo and Stallbaumer.

The Examiner rejected Claims 11-13 under Grimaldo in view of Kozak plus contended that it would be obvious to modify the two cited references.

Claims 14, 15 and 18 were rejected under Grimaldo, Kozak and Annin et al. plus the contention that it would be obvious to modify.

Claims 16 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Grimaldo, Kozak and further in view of Stallbaumer et al. with the further contention that it would have been obvious to modify.

Claims 1, 5 and 11 were amended.

B. Information Disclosure Statement

Applicant respectfully submits the Information Disclosure Statement attached hereto, which include the references in the present specification, for consideration by Examiner, in compliance with 37 C.F.R. 1.98 and M.P.E.P. § 609.04 (a).

C. Claims 5 and 11-18 Rejected Under 35 U.S.C. § 112

Examiner rejected Claims 5 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant amended Claim 5 to correct the typographical error. Claim 11 is amended by substituting “lowering” for “loading.”

Examiner also rejected Claim 12 contending that the platform is not supported in all directions as claimed. Applicant respectfully disagrees. The Examiner is respectfully requested to review the figures. In particular, Figures 1 and 5 show cables 100 and 101 providing support from front to back of the parallelogram structure 16, and outriggers 38 providing side to side support for the portable base 12. The corners of the portable base 12 contain leveling jacks 96 and the ends of the outriggers 38 contain outriggers leveling jacks 98. As is clear by the figures, the platform is supported in all directions as claimed. The Examiner is respectfully requested to withdraw his rejection to Claims 5, 11 and 12.

Examiner rejected claims 13-18 based on their dependency. Applicant has overcome this indefinite rejection and respectfully requests Examiner to withdraw his rejections.

D. Independent Claim 1

Independent Claim 1 has been amended to delete --in-- and insert “by.” The amendment is intended to broaden Claim 1. It is not necessary that the frame be inside of the base. The frame could be on the base, in the base or above the base. It does not have to be in the base. None of the cited references conflict with the amendment to Claim 1.

Also, Independent Claim 1 has many limitations that are not found in either of the cited references of Annin et al. or Kozak. Neither Annin nor Kozak show a parallelogram structure as is specifically claimed in Independent Claim 1.

Not having a parallelogram structure, then naturally, neither Annin nor Kozak have a “parallelogram structure pivotaly attached on the lower end thereof to said frame.” Also, neither Annin nor Kozak show a “platform support pivotaly attached to an upper end of the

parallelogram structure.” These limitations cannot be found in either Annin or Kozak.

Most importantly, neither Annin nor Kozak show “an extender connected on a first end to a first side of said parallelogram structure and on a second end to second side of said parallelogram structure.” The limitation as specifically claimed in Independent Claim 1 is not shown in either Annin nor Kozak.

There is no teaching to amend Annin by Kozak to provide the limitations quoted herein above. Most importantly, there is no extender wherein “upon said extender being extended said parallelogram structure pivoting to an upright position.” Nor is there any suggestion or teaching in Annin or Kozak to retract an extender to cause the parallelogram structure to pivot to “thereby lowering said display platform and said vehicle thereon”.

None of the above limitations in Independent Claim 1 are shown nor taught by Annin and/or Kozak. It would not have been obvious to make the modifications as suggested by the Examiner. For the reasons given herein above Independent Claim 1 is in condition for allowance.

Applicant submits that he has overcome all obviousness rejections against Independent Claim 1 under 35 U.S.C. § 103 asserted by Examiner. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 832 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed Cir. 1988); M.P.E.P. § 2143.03. As Dependent Claims 2-10 depend further from Independent Claim 1, Applicant respectfully submits that these claims are nonobvious as well. *Id.* Claims 2-10 should also be allowed.

E. Independent Claim 11

The automobile display system as shown in Kozak is stationary. It is mounted deep into the ground. There is nothing that is portable about the invention shown in Kozak. The Independent Claim 11 specifically claims the step of “moving a portable vehicle display.”

While Grimaldo does show a “collapsible trailer hoist” that can be moved from one

location to another, there is nothing in the structure shown by Grimaldo for “rotating said display platform and said vehicle.” There is nothing about the Grimaldo reference that in anyway hints at the possibility of having a “rotating” step as part of a portable vehicle display. There is no teaching to combine Kozak with Grimaldo to provide the rotating portable display. In fact, the teaching would be just the opposite. Kozak teaches burying the support structure in the ground while Grimaldo has a structure that may be moved on wheels. It is not logical way to combine these two references to come up with Applicant’s claimed invention.

F. Dependent Claim 12 through 18

To further reject Dependent Claims 16 and 17, the Examiner has to combine a further reference of Stallbaumer et al., and argue that it would be obvious to provide further modification of Grimaldo and Kozak to show the outriggers and cables. However, the Stallbaumer reference does not have a rotating platform as is specifically claimed in the present invention. In fact if Stallbaumer was rotated, the cables would twist around the structure shown therein. It would not work!

Dependent Claim 13 specifically claims a “parallelogram pivotally connected on a lower end to a frame and on an upper end to said display platform.” The Examiner conveniently ignores the fact that none of the references cited show a parallelogram. Therefore the structure as claimed in Dependent Claim 13 is not shown in any of the references. The parallelogram is used in the raising step.

To reject Claim 14, the Examiner further combines, in addition to Grimaldo and Kozak, the Annin et al. reference contending it would be further obvious to modify to give the claimed invention. Such modification is carrying obviousness beyond its realistic bounds.

For the reasons given herein above, Independent Claim 11 should also be allowed.

Because Independent Claim 11 is now in condition for allowance, all of the Dependent Claims 12-18, which depend therefrom should also be allowed.

G. Pending Application

Applicant respectfully informs Examiner of pending U.S. Patent Application No. 10/975,250 entitled "System for Displaying a Motor Vehicle, Apparatus and Related Methods," to Larry D. Hestand, filed on October 28, 2004. This application published on August 11, 2005. (U.S. 2005/0173601). (Hestand Application). The Hestand Application was both filed and published after the filing and publication of the present invention and, therefore, is not prior art. However, to the extent that references included in the specification of the Hestand Application may be relevant hereto, Applicant includes the Hestand Application and references cited therein in its IDS for the Examiner's review and consideration.

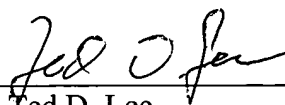
CONCLUSION

In view of the above, Applicant submits that Claims 1-18 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections. Allowance of Claims 1-18 at an early date as listed. If Examiner still finds impediments to allowing Claims 1-18 and, in the opinion of the Examiner, a telephone conference between the undersigned and the Examiner would help remove such impediments, the undersigned respectfully requests such a telephone conference.

Respectfully submitted,

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